

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/28/14

-against-

S10 98 Crim. 1023 (LAK)

ANAS AL LIBY,

Defendant.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

During proceedings on July 23, 2014, the Court inquired of defendant's attorney, Mr. Kleinman, as to the identity of the foreign governmental entity that has been paying for the defense of the defendant and as to the identities of individuals who dealt with Mr. Kleinman on behalf of the foreign entity. The defendant asked that the identities of the governmental entity and the individuals be sealed, so the Court had Mr. Kleinman write down their names and sealed the papers containing them, which were marked as Court Exhibits A and B, pending further submissions as to whether the documents should remain sealed.


On July 25, 2014, *The New York Times* requested an opportunity to make a filing opposing continued sealing of the court exhibits before any order continuing the sealing was issued. The government today submitted a letter opposing continued sealing, arguing that the common law presumption of public access to court documents and the First Amendment warranted their release as the interests in public access are not outweighed by sufficient countervailing considerations. The defendant also submitted a letter indicating that he no longer opposes disclosure of the identity of the foreign government but continues to request sealing of the exhibit identifying by name the individuals with whom he dealt.

The individuals who dealt with Mr. Kleinbaum on behalf of the foreign government were performing a function on behalf of a government on a matter of considerable public interest. While the Court understands and sympathizes with their preference to remain anonymous to the public, that preference does not outweigh the public interest in disclosure. That is particularly so when neither they nor their government have attempted to show any reason for continued sealing beyond personal preference.

Accordingly, copies of Court Exhibits A and B, received during the proceedings on July 23, 2014, are attached to this Order, which will be docketed publicly.

SO ORDERED.

Dated: July 28, 2014



Lewis A. Kaplan
United States District Judge